

### **REMARKS**

Claims 3, 14 and 19-39 are now pending in the application.

Claim 3 has been amended so as to be in line with the issued claim in the parental application No. 08/930,921 which issued as Patent No. 6,287,837B1. Claim 14 was amended as suggested by the Examiner and is now dependent on claim 3. Claims 19-39 are virtually identical to issued claims 2-22, respectively of '837B1 (claim 19 corresponding to claim 2 of '837B1; claim 20 corresponding to claim 3 thereof, etc.), but amended so as to relate to a mammalian derived ATPdase having a catalytic unit of about 54 KDa, (in accordance with selected Group II).

Applicant believes that no new matter has been added by the instant amendments which are believed to be fully supported by the original disclosure and in particular in Example 2 thereof, between pages 28 and 30.

Applicant believes that the objections to claims 4 and 14 have been rendered moot by the instant amendment.

### **Sequence listing**

A further sequence listing is submitted herewith in order to correct two clerical errors. SEQ ID No: 2 is now a nucleic acid sequence as intended to be and as found in US 6,287,837B1. Furthermore and as also disclosed in '837B1, SEQ ID No: 7, of the instant SEQ ID No: 7 comprises twenty amino acids as opposed to the truncated nineteen amino acid sequence filed on May 23, 2002.

### **Objection under 35 U.S.C. § 102(b)**

Claim 3 has been rejected under 35 U.S.C. § 102(b) as anticipated by WO96/32471, which is the applicants' own published PCT application. The Examiner alleges that the Applicants failed to file a proper Declaration to claim priority to WO96/32471 (PCT/CA96/00223) and indicated that claim 3 would be allowable once a proper Declaration is filed. Applicants respectfully submits that the Declaration was indeed filed June 11, 2001, claiming priority to WO96/32471. In any event, for the Examiner's convenience, the

executed Declaration filed on June 11, 2001 which claims priority on three applications, at page 2 thereof, is submitted herewith for the Examiner's convenience.

In view of the above and foregoing, it is believed that the Declaration overcomes the 102(b) rejection and places all pending claims, (3, 14, and 19 to 31) in condition for allowance. Further and favourable action in the form of a Notice of Allowance is thus believed to be next in order and such action is earnestly solicited.

In the event that there are any questions concerning this amendment, or application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of the Application may be expedited.

A petition for three months extension of time accompanies this response so that the response will be deemed to have been timely filed. If any other extension of time is required in this or any subsequent response, please consider this to be a petition for the appropriate extension and a request to charge the petition fee to the Deposit Account No. 17-0055. No other fee is believed to be due in connection with this response. However, if any fee is due in this or any subsequent response, please charge the fee to the same Deposit Account No. 17-0055.

Respectfully submitted,

Adrien R. Beaudoin, et al.

August 19, 2003

By:



Zhibin Ren  
Registration No. 47,897  
Attorney for Applicants  
QUARLES & BRADY LLP  
411 East Wisconsin Avenue  
Milwaukee, WI 53202-4497  
Tel.: (414) 277-5633  
Fax: (414) 271-3552